

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Nicholas Bradt, a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), being duly sworn, hereby depose and state as follows:

1. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant/complaint. I have been a Special Agent with ATF since June of 2018. As an ATF Special Agent, I attended and successfully completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco Georgia. I also successfully completed the ATF Special Agent Basic Training Program. I have been trained to conduct state and federal criminal investigations. I am currently assigned to the ATF Saint Paul Field Division, Fargo Field Office. My duties include, but are not limited to, the investigation of violations of the federal firearms, arson, explosives laws, and other federal laws and regulations against the United States of America. In connection with my official ATF duties, I investigate criminal violations of the federal firearms and narcotics laws. Prior to working with the ATF, I was a Washington County, Minnesota deputy sheriff for over four years. During these years I worked as a patrol deputy, enforcing state laws, and investigating criminal activity.

2. I have received special training in the enforcement of laws concerning firearms as found in Title 18 of the United States Code as well as controlled substances as found in Title 21. I have been involved in various types of electronic surveillance, and in the debriefing of defendants, witnesses, and informants, as well as others who have knowledge of the distribution and transportation of controlled substances. I am familiar with and have participated in all the normal methods of investigation,

including, but not limited to visual surveillance, the general questioning of witnesses, the use of informants, and the execution of search warrants.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents/officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not set forth all my knowledge about this matter.

PROBABLE CAUSE

4. On or around February 8, 2022, Fargo Police Confidential Informant (CI) 503-16 who is a competent CI and has completed multiple controlled purchases and provided information to Law Enforcement on numerous occasions which has been corroborated, informed me of an individual who brandished a firearm after an altercation at an after party. CI 503-16 stated that after an altercation on or around February 05, 2022, this individual went to an unknown apartment complex and obtained a Glock pistol with a drum magazine. CI 503-16 provided a phone number for the individual of (312)931-0717. Agents were able to identify this individual as Andeus Lamar SMITH. CI 503-16 was shown a picture of SMITH and confirmed he was the male described above. Through this investigation it was also determined that SMITH went by the nickname "Lil Bill."

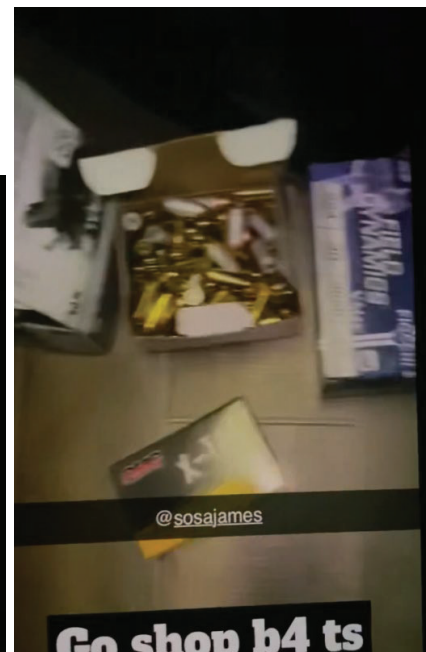
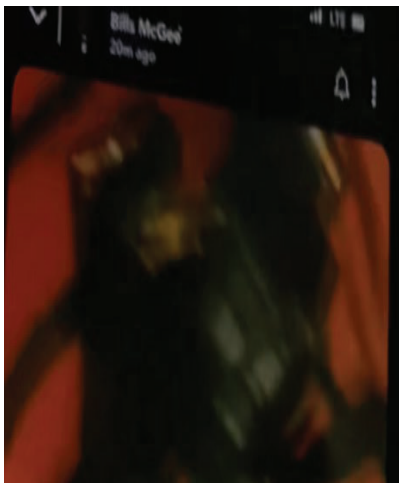
5. According to Fargo Police Department records Andeus SMITH has a phone number of (312)931-0717 and an address of 383 Prairiewood Circle South #201, Fargo, ND.

6. SMITH is a convicted felon and therefore federally prohibited from possessing firearms and ammunition. His felony convictions include:

- 2nd Degree Assault-Dangerous Weapon, Ramsey County, MN 05/26/2016
- 2nd Degree Aggravated Robbery, Hennepin County, MN 08/25/2016
- 4th Degree Assault on a Correctional Employee, Chisago County, MN 08/07/2017

- Violation of DANCO, Clay County, MN 11/10/202

7. On or around March 31, 2022, CI 503-16 advised me of a video posted by SMITH on social media namely Snapchat. The video was posted that day by SMITH. In the left had corner the video showed “20m ago” which means the video was posted 20 minutes prior using the Snapchat application, which means the video was not a pre-recorded video that already existed on SMITH’s phone. In the video SMITH shows a duffle bag full of firearms. There appears to be two AR pistol style firearms including a black “Draco” which is a AK-47 style pistol. In the side pocket of the bag there appeared to be multiple Glock style pistols. The bag also contained loaded high-capacity magazines and numerous rounds of ammunition. The bag was a black bag with the word “HYPE” on the side. The interior of the bag was orange. It should be noted that agents are unaware if the flooring in the video matches the flooring in the apartments at 383 Prairiewood Circle South, Fargo, ND.



8. On or around April 01, 2022, agents utilized CI 503-16 to execute a controlled purchase of marijuana from SMITH. CI 503-16 contacted SMITH and SMITH advised CI 503-16 that he had marijuana available to purchase. SMITH told CI 503-16 to meet him at 383 Prairiewood Circle South, Fargo, ND. CI 503-16 was utilizing electronic surveillance, so communication was captured. When CI 503-16 arrived at the apartment complex 383 Prairiewood Circle South, Fargo, ND, SMITH advised the CI to come up to apartment #201. This is heard on the recording device.

9. CI 503-16 met SMITH in apartment 201. In the recording SMITH is heard describing the different types of marijuana available to purchase. CI 503-16 ultimately purchased 15.3 grams of marijuana including packaging weight for \$35. According to CI 503-16 SMITH had multiple jars of marijuana on the kitchen counter.

10. CI 503-16 and SMITH engaged in conversation about the firearms that SMITH posted on Snapchat. CI 503-16 attempted to purchase the firearms. SMITH refused to sell the firearms at the time but described them. It is unclear from the audio, but SMITH could have mentioned keeping the firearms at a different location.

11. On or around April 14, 2022, CI 503-16 spoke to SMITH again who agreed to sell CI 503-16 two firearms, several magazines, and numerous rounds of ammunition for \$4,000. According to SMITH the purchase would include a Glock pistol, AR style pistol, several high-capacity magazines and numerous rounds of ammunition. Agents organized a controlled purchase and were able to utilize video and audio electronic surveillance.

12. On or around April 14, 2022, SMITH again tells CI 503-16 to meet him at 383 Prairiewood Circle South, Fargo, ND. When the CI arrived, SMITH advised that he was down the street and would be there soon. Surveillance units were able to see SMITH'S dark blue, 2008, Infiniti drive into the parking lot of 383 Prairiewood Circle a short time later. It should be noted that the rear

license plate of SMITH's vehicle is located in the rear windshield because the rear bumper appears to be damaged. This makes the license plate difficult to see. A dark blue Infiniti matching this description pulled into the parking lot.

13. According to surveillance and the electronic surveillance video, a short time later CI 503-16 is seen walking into the apartment complex with SMITH. SMITH is carrying multiple shoe boxes which he sets down on the kitchen counter. SMITH was not carrying the HYPE duffle bag or anything able to conceal larger firearms. SMITH leaves the kitchen area and appears to walk toward a back bedroom of the apartment. A short time later SMITH walks out holding the black "HYPE" duffle bag that held the firearms he posted on social media. SMITH is seen and heard on electronic surveillance handling and manipulating multiple firearms. SMITH takes a Glock pistol out of the bag and tells CI 503-16 "This is the 26 right here." SMITH then hands the pistol to CI 503-16. SMITH then handles the AR pistol and continues to explain to CI the ammunition and high-capacity magazines that are being purchased. CI 503-16 again confirmed that this transaction happened in apartment 201.

14. SMITH tells CI 503-16 that he could sell the AR pistol down in the cities of Minnesota for \$3,000- \$4,000. SMITH is seen looking around the apartment for another item. A female in the apartment enters the kitchen and says, "look on the side of the bed." SMITH responds and says, "your side?" SMITH then walks out with a box of 9mm ammunition that was seen on the Social Media post.

15. Electronic Surveillance captures SMITH walking back to a back bedroom again and saying, "This is my prize possession right here, this is my baby." SMITH comes back out to the living room holding a "Draco" or an AK-47 style pistol. This firearm was all black and looked identical to the one in the posted to social media by SMITH. SMITH then says "I got my forty still, I got my Draco still, and I still have my 357 long." This statement implies that SMITH still has three firearms. SMITH again walks to the living room with an additional firearm. He tells CI that it is a "357 Glock" and that

the firearm takes a special king of bullet. SMITH tells CI that he knows someone in the city that has access to and deals switches. A switch is a device that is put onto the back of a Glock pistol that makes the firearm fully automatic.

16. CI 503-16 gave SMITH \$4,000 in pre-recorded funds. SMITH sold CI 503-16 the following items:

- Glock, model 26GEN4, 9mm pistol, serial number BDNZ714
- Spikes Tactical, model ST15, multi caliber pistol, serial number 078593
- Hundreds of rounds of 223/556 and 9mm ammunition
- Multiple high-capacity magazines including two drum magazines which hold up to fifty rounds of ammunition.

17. SMITH allowed CI 503-16 to take the items in his black HYPE duffle bag. As long as the bag was returned to SMITH.

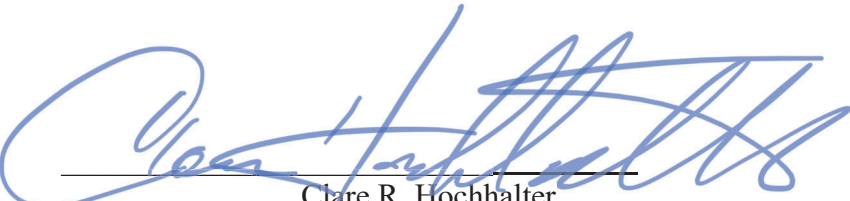
18. I spoke with ATF Special Agent Levi Holter who is a nexus expert. SA Holter stated that neither of the firearms purchased from SMITH on April 14, 2022, were manufactured in the state of ND. Therefore, the firearms must have traveled across state lines affecting interstate commerce.

19. Based upon the facts and information contained in this Affidavit, it is respectfully submitted that sufficient probable cause exists to believe that Andeus Lamar SMITH has committed the following offense: 1.) Felon in Possession of a Firearm and or Ammunition, in violation of 18 U.S.C. § 922(g)(1).

NICHOLAS BRADT
Digitally signed by NICHOLAS
BRADT
Date: 2022.04.22 16:43:33 -05'00'

Nicholas Bradt
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me and signed [in my presence] [by telephone] this 22nd day of April, 2022.



Clare R. Hochhalter
United States Magistrate Judge